

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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Adelphia Recovery Trust,	:	
	:	
Plaintiff,	:	
	:	Case No. 1:09-cv-00215-RJA
-against-	:	
	:	
Key Bank National Association, HSBC	:	
Bank USA, National Association and Fleet	:	
National Bank,	:	
	:	
Defendants.	:	
	:	
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INDEX OF CERTAIN PLEADINGS AND MOTIONS FROM *ADELPHIA RECOVERY TRUST v. BANK OF AMERICA, N.A., Et Al.*, 05 CIV. 9050 (LMM) (S.D.N.Y.)

Pursuant to Paragraph 1 on Page 2 of the October 28, 2011 Stipulation & Order filed in the above-referenced action (Docket No. 988), the following is an index of certain pleadings and motions filed in Adelphia Recovery Trust v. Bank of America, N.A., et al., 05 CIV. 9050 (LMM) (S.D.N.Y.) (the "Southern District Action") which are relative to claims transferred to this Court pursuant to a March 5, 2009 Memorandum and Order entered in the Southern District Action (Southern District Action Docket No. 954):

1. **Docket No. 1** - July 6, 2003 - Complaint against Bank of America, N.A. et al. Filed by Official Committee of Unsecured Creditors for Adelphia Communications Corporation, et al. (Official Committee of Unsecured Creditors for Adelphia Communications Corp. et al. v. Bank of America, N.A., et al., Adv. Proc. No. 03-04942 (Bankr. S.D.N.Y.)) (Friedman, David) (Entered: 07/06/2003);
2. **Docket No. 132** - October 31, 2007 - AMENDED COMPLAINT against Bank of New York, et al. . . . by Adelphia Recovery Trust.(pl) Additional attachment(s) added on 11/8/2007 (Lancaster, Patricia). (Entered: 11/05/2007);

3. **Docket No. 434** – January 24, 2008 - NOTICE of Motion to Dismiss, to Sever and to Transfer Venue. Document filed by Key Bank National Association. (Ostrow, Alec) (Entered: 01/24/2008);
4. **Docket No. 435** – January 24, 2008 - MOTION to Dismiss *to Sever and to Transfer Venue*. Document filed by Key Bank National Association.(Ostrow, Alec) (Entered: 01/24/2008);
5. **Docket No. 436** – January 24, 2008 - MEMORANDUM OF LAW in Support re: 435 MOTION to Dismiss *to Sever and to Transfer Venue*.. Document filed by Key Bank National Association. (Ostrow, Alec) (Entered: 01/24/2008);
6. **Docket No. 437** – January 24, 2008 - DECLARATION of Alec P. Ostrow in Support re: 435 MOTION to Dismiss *to Sever and to Transfer Venue*.. Document filed by Key Bank National Association. (Attachments) . . . (Ostrow, Alec) (Entered: 01/24/2008);
7. **Docket No. 438** – January 24, 2008 - MOTION to Sever *HSBC Bank USA, National Association's Motion for Severance and Transfer of Plaintiffs' Sabres Bank Claims to United States District Court for the Western District of New York*. Document filed by HSBC Bank USA, National Association. (Attachments) . . . (Miller, Angela) (Entered: 01/24/2008);
8. **Docket No. 443** – January 25, 2008 - ANSWER to Amended Complaint., COUNTERCLAIM against Adelphia Recovery Trust, Adelphia Communications Corp.. Document filed by HSBC Bank USA, National Association. . . . (Attachments) . . . (Miller, Angela) (Entered: 01/25/2008);
9. **Docket No. 445** – January 25, 2008 - NOTICE of of Defendant Fleet National Bank's Motion to Dismiss and Joinder in Motions to Sever, Transfer Venue, and Refer Claims Against the Sabres Banks. Document filed by Fleet National Bank. (Elkin, Judith) (Entered: 01/25/2008);
10. **Docket No. 446** – January 25, 2008 - MEMORANDUM OF LAW . . . *in Support of Defendant Fleet National Bank's Motion to Dismiss and Joinder in Motions to Sever, Transfer Venue, and Refer Claims Against the Sabres Banks*. Document filed by Fleet National Bank. (Attachments) . . . (Elkin, Judith) (Entered: 01/25/2008);
11. **Docket No. 447** – January 25, 2008 - ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Judith Elkin dated 1/25/08 re: Accordingly, Fleet respectfully requests that this Court permit Fleet to file Exhibit A to its Motion to Dismiss under seal. So

Ordered.. ENDORSEMENT: GRANTED. So Ordered. (Signed by Judge Lawrence M. McKenna on 1/25/08) (js) (Entered: 01/25/2008)

12. **Docket No. 531** – February 29, 2008 - ANSWER to Amended Complaint., COUNTERCLAIM against Adelpia Recovery Trust, Adelpia Communications Corp.. Document filed by HSBC Bank USA, National Association. (Attachments) . . . (Miller, Angela) (Entered: 02/29/2008);

13. **Docket No. 541** – March 4, 2008 - SECOND AMENDED COMPLAINT . . . against Merrill Lynch Pierce, Fenner & Smith Incorporated, et al. . . . filed by Adelpia Recovery Trust. (Attachments) . . . (Entered: 03/07/2008);

14. **Docket No. 615** – March 28, 2008 - ANSWER to Amended Complaint., COUNTERCLAIM against Adelpia Recovery Trust, Adelpia Communications Corp.. Document filed by HSBC Bank USA, National Association. . . . (Attachments) . . . (Miller, Angela) (Entered: 03/28/2008);

15. **Docket No. 692** – April 15, 2008 - FIRST MEMORANDUM OF LAW in Opposition re: 438 MOTION to Sever *HSBC Bank USA, National Association's Motion for Severance and Transfer of Plaintiffs' Sabres Bank Claims to United States District Court for the Western District of New York.*, 435 MOTION to Dismiss to Sever and to Transfer Venue. *Memorandum of Law.* Document filed by Adelpia Recovery Trust. (Attachments) . . . (Novick, Robert) (Entered: 04/15/2008);

16. **Docket No. 759** – May 5, 2008 - REPLY MEMORANDUM OF LAW in Support re: 438 MOTION to Sever *HSBC Bank USA, National Association's Motion for Severance and Transfer of Plaintiffs' Sabres Bank Claims to United States District Court for the Western District of New York.* Document filed by HSBC Bank USA, National Association. (Attachments) . . . (Miller, Angela) (Entered: 05/05/2008);

17. **Docket No. 760** – May 5, 2008 - REPLY MEMORANDUM OF LAW in Support re: 435 MOTION to Dismiss to Sever and to Transfer Venue. *Reply Brief in Further Support of Motion By Defendant Key Bank, National Association to Dismiss, To Sever and To Transfer Venue.* Document filed by Key Bank National Association. (Ostrow, Alec) (Entered: 05/05/2008);

18. **Docket No. 758 and 769** – May 8, 2008 - REPLY MEMORANDUM OF LAW in Support re: 541 Amended Complaint, 445 Notice (Other) /*Reply Memorandum of Law in Support of Defendant Fleet National Bank's Motion to Dismiss and Joinder in Motions to Sever, Transfer*

Venue, and Refer Claims Against the Sabres Banks. Document filed by Fleet National Bank. (Anigian, Richard) (Entered: 05/08/2008);

19. **Docket No. 789** – May 30, 2008 - MOTION to Dismiss *the "Post Petition Tort" Counterclaim Asserted by HSBC Bank USA, National Association.* Document filed by Adelpia Recovery Trust.(Harwood, Michael) (Entered: 05/30/2008);

20. **Docket No. 790** – May 30, 2008 - MEMORANDUM OF LAW in Support re: 789 MOTION to Dismiss *the "Post Petition Tort" Counterclaim Asserted by HSBC Bank USA, National Association..* Document filed by Adelpia Recovery Trust. (Harwood, Michael) (Entered: 05/30/2008);

21. **Docket No. 828** – July 15, 2008 - MEMORANDUM OF LAW in Opposition re: 789 MOTION to Dismiss *the "Post Petition Tort" Counterclaim Asserted by HSBC Bank USA, National Association..* Document filed by HSBC Bank USA, National Association. (Attachments) . . . (Miller, Angela) (Entered: 07/15/2008);

22. **Docket No. 888** - July 30, 2008 - REPLY MEMORANDUM OF LAW in Support re: 789 MOTION to Dismiss *the "Post Petition Tort" Counterclaim Asserted by HSBC Bank USA, National Association..* Document filed by Adelpia Recovery Trust. (Attachments) . . . (Harwood, Michael) (Entered: 07/30/2008);

23. **Docket No. 892** - August 5, 2008 - ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Roger Netzer dated 8/4/08 re: The "Adelpia Debtors" request that (i) the Adelpia Debtors' Reply Memorandum of Law in Support of Adelpia Recovery Trust's Motion to Dismiss the "Post Petition Tort" Counterclaim of HSBC Bank USA, N.A. dated 8/4/08, (ii) the declaration of Avani Shah dated 8/4/08; and (iii) the accompanying Exhibits A through G be filed under seal. ENDORSEMENT: The Clerk is directed to file the annexed documents under seal. (Signed by Judge Lawrence M. McKenna on 8/14/08) (tro) (Entered: 08/05/2008);

24. **Docket No. 945** – February 23, 2009 - MOTION to Dismiss *Expedited Motion to Dismiss by HSBC Bank USA, National Association Pursuant to Procedure Established by June 14, 2004 Bankruptcy Court Order.* Document filed by HSBC Bank USA, National Association. (Attachments) . . . (Miller, Angela) (Entered: 02/23/2009);

25. **Docket No. 949** – February 25, 2009 - ENDORSED LETTER addressed to Judge Lawrence M. McKenna and Magistrate Judge Ronald L. Ellis from Richard D. Anigian by Judith R. w/ permission dated 2/13/2009 re: Counsel writes on behalf of Fleet National Bank, by through

is successor by merger Bank of America, N.A. to request an informal discovery conference in advance of seeking a protective order to prohibit the Adelphia Recovery Trust from pursuing onerous and irrelevant discovery against Fleet on issues surrounding loans related to the Buffalo Sabres hockey team. ENDORSEMENT: Discovery of HSBC, Key Bank, and Fleet National Bank (Bank of America) as parties, or by those entities, and motions related thereto, are stayed pending decision by this Court of those entities' motions for severance and transfer to the United States District Court for the Western District of New York of plaintiffs' claims against them. So ordered. (Signed by Judge Lawrence M. McKenna on 2/25/2009) (tve) (Entered: 02/26/2009);

26. **Docket No. 954** – March 5, 2009 - MEMORANDUM AND ORDER: For the reasons above claims 17-24 and 56-57 of the Amended Complaint are severed and transferred to the Western District of New York District Court. (Signed by Judge Lawrence M. McKenna on 3/5/09) (tro) (Entered: 03/06/2009);

27. **Filed Under Seal** - August 4, 2008 - Declaration of Avani Shah in support of Memorandum of Law in Support of the Adelphia Recovery Trust's Motion to Dismiss the Post Petition Tort Counterclaim of HSBC Bank USA, N.A.;

28. **Filed Under Seal** - August 4, 2008 - Adelphia
Debtor's Reply Memorandum of Law in Support of the Adelphia
Recovery Trust's Motion to Dismiss the Post Petition Tort Counterclaim of
HSBC Bank USA, N.A.

Dated: November 1, 2011

For the Adelphia Recovery Trust:

/s/ David J. Shapiro

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